

RECEIVED

JUL 24 1991

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL
FILE

In the Matter of

Amendment of Parts 2 and 97 of
The Commission's Rules Regarding
an Allocation of the 216-220 MHz
Band for Amateur Service

RM 7747

**COMMENTS OF THE MANAGER
OF THE NATIONAL COMMUNICATIONS SYSTEM**

The Secretary of Defense, Executive Agent of the National Communications System (NCS)¹, through duly authorized counsel, pursuant to Section 201 of

¹Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984 (49 Fed. Reg. 13471, 1984), established the National Communications System (NCS), which consists of an administrative structure involving the Executive Agent, Committee of Principals, Manager, and the telecommunications assets of the 23 Federal organizations which are represented on the Committee of Principals. Section 1(e) of Executive Order 12472 designates the Secretary of Defense as Executive Agent for the NCS. By direction of the Executive Office of the President (EOP), the NCS members organizations (which are represented on the Committee of Principals) are: Department of Agriculture, Central Intelligence Agency, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Justice, National Aeronautics and Space Administration, the Joint Staff, Department of State, Department of Transportation, Department of Treasury, U.S. Information Agency, the Department of Veterans Affairs, Department of Health and Human Services, Department of the Interior, National Security Agency, the National Telecommunications and Information Administration and the Nuclear Regulatory Commission. The Federal Communications Commission, the United States Postal Service and the Federal Reserve System also participate in the activities of the NCS. The vast majority of the telecommunications assets of these 23 organizations are leased from commercial communications carriers and serve the NS/EP needs of the Federal government as well as state and local governments.

074

the Federal Property and Administrative Services Act of 1949, 40 USC Section 481, and the Memorandum of Understanding between the Department of Defense and the General Services Administration dated November 27, 1950, hereby files these comments in support of the Petition for Rule Making filed by the American Radio Relay League (ARRL) on June 4, 1991.

In its Petition, the ARRL seeks an amendment of the Commission's rules to establish an allocation for the Amateur Radio Service in the 216-220 MHz band, which allocation would be on a secondary basis to the Fixed and Mobile Services to which the band is currently allocated. As proposed, the allocation would be limited to operation at fixed points, with certain frequency and geographical limitations, and would be made on a non-interference, coordinated basis with respect to existing and planned services in that same band. ARRL is willing to coordinate, through continued database management, any amateur operation initiated in the band and assist in resolving any interference problems that may arise. Thus, any administrative burden that might otherwise be imposed on the Commission will be greatly alleviated. The purpose of the proposed rules is to provide reaccommodation for those present and future wideband data intercity links and other point-to-point fixed amateur stations which are to be displaced from the 220-222 MHz band as a result of the Commission's actions in Docket 87-14².

The Secretary of Defense, for the Department of Defense and in his capacity as Executive Agent of the NCS, filed reply comments in Docket 87-14 strongly opposing the allocation of the 220-222 MHz band to the Land Mobile

²Notice of Proposed Rulemaking, FCC 87-45, 2 FCC Rcd. 796 (1987); Report and Order, 3 FCC Rcd. 5287 (1988); affirmed on reconsideration, Memorandum Opinion and Order, 4 FCC Rcd. 6407 (1989); review denied sub nom American Radio Relay League, Inc. v. Federal Communications Commission, ___ F. 2d ___, (D.C. Cir. 1990)

Service.³ The comments recited the value of amateur radio operators as a resource to be utilized by the NCS in carrying out its National Security/Emergency Preparedness (NS/EP) responsibilities. They cited the Memorandum of Understanding between the NCS and the ARRL which established a broad framework of cooperation and a close working relationship with amateur radio operators for national emergency communications functions and concluded that if the amateur service were forced to vacate the 220-222 MHz band, "the present level of (amateur) capability (to participate in NS/EP functions) will be substantially diminished and future services will be greatly limited." (Reply Comments, p.9.) Nonetheless, Docket 87-14 did result in the transfer of the 220-222 MHz band to the Land Mobile Service.

The Petition for Rulemaking addresses, with scientific analyses, the concerns the Commission had in Docket 87-14 regarding the use of the 216-220 MHz band by amateurs. The analyses conclude that amateurs could effectively operate in the proposed band, subject to appropriate frequency and distance separation restraints. The NCS therefore believes the proposal of the ARRL provides a reasoned and technically viable alternative to the loss of the amateur capability to assist in NS/EP functions that resulted from the actions taken in Docket 87-14.

CONCLUSION

The NCS supports the Petition for Rulemaking filed by the ARRL in that it would, should the proposed rules be adopted, restore at least some of the ability of the amateur radio operators to assist in NS/EP functions that was taken away as a result of Docket 87-14. As previously noted, the participation of amateur radio operators in NS/EP related functions has

³A Petition for Reconsideration of the Report and Order was also filed by DOD and the NCS.

benefitted the nations NS/EP posture, and their continued participation can be expected to only foster that effort.

Respectfully submitted,



Paul R. Schwedler
Assistant Chief Regulatory Counsel
(703) 692-8457



Carl Wayne Smith
Chief Regulatory Counsel,
Telecommunications (DOD)
Code AR
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, Virginia 22204

CERTIFICATE OF SERVICE

I, Robin Berger, hereby certify that a copy of the foregoing Comments were mailed, first class mail, postage prepaid, this 24 day of July, 1991 to the following:

The American Radio Relay League
Incorporated
225 Main Street
Newington, CT 06111

Christopher D. Imlay, Esquire
BOOTH, FRERET & IMLAY
1920 N. Street, N.W. Suite 150
Washington, D.C. 20036


Robin Berger